

OPINION 1213

TOXORHYNCHITES BREVIPALPIS THEOBALD, 1901
(INSECTA, DIPTERA): CONSERVED

RULING.- (1) Under the plenary powers, the specific name *loewi* Giebel, 1862, as published in the binomen *Culex loewi*, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The specific name *loewi* Giebel, 1862, as published in the binomen *Culex loewi*, and as suppressed under the plenary powers in (1) above, is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Number 1098.

HISTORY OF THE CASE Z.N.(S.)2173

An application from Dr Graham White (*British Museum, Natural History*) for the conservation of *Toxorhynchites brevipalpis* Theobald, 1901 (Official List of Generic Names No. 1341; Official List of Specific Names No. 1615) by suppressing *Culex loewi* Giebel, 1862 was first received on 29 March 1976. It was sent to the printer on 9 June 1976 and published on 31 March 1977 in *Bull. zool. Nom.* vol. 33, pp. 228–232. Public notice of the possible use of the plenary powers in the case was given in the same part of the *Bulletin* as well as to eight general and seven specialist periodicals. The application was supported by Dr Kenneth L. Knight (*North Carolina State University*). No adverse comment was received.

DECISION OF THE COMMISSION

On 29 June 1981 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (1981)9 for or against the proposals set out in *Bull. zool. Nom.* vol. 33, p. 230. At the close of the voting period on 29 September 1981 the state of the voting was as follows:

Affirmative Votes — twenty-one (21) received in the following order: Melville, Holthuis, Alvarado, Halvorsen, Mroczkowski, Vokes, Ride, Sabrosky, Bayer, Tortonese, Kraus, Willink, Cogger, Habe, Brinck, Binder, Corliss, Nye, Heppell, Welch, Bernardi

Negative Vote — Hahn.

Trjapitzin was on leave of absence. A late affirmative vote was received from Lehtinen. No votes were returned by Dupuis and Starobogatov.

The following comments were sent in by members of the Commission with their voting papers:

Hahn: 'In principle I fully support the request of Dr White to conserve *T. brevipalpis*, but I cannot agree to suppress *C. loewi*

completely. What will happen nomenclaturally if someone in the future wants to treat it as an independent species? I think the Commission should use the "relative precedence" procedure so that *loewi* should not be allowed to compete with *brevipalpis* but should be available for a separate species.'

Nye: 'In the introduction to the published Official Lists it is clearly stated there that names entered thereon have precedence over their senior synonyms. If this is true, then this case is unnecessary. If it is not now considered to be true then there should be a clear ruling by the Commission on what is the status of names on the Official Lists.'

ORIGINAL REFERENCE

The following is the original reference to the name placed on an Official Index by the ruling given in the present Opinion:
loewi, *Culex*, Giebel, 1862, *Z. gesamten Naturwiss. Halle*, Jahrg. 1862, vol. 20, pp. 317-318.

CERTIFICATE

I hereby certify that the votes cast on V.P.(81)9 were cast as set out above, that the proposal contained in that voting paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1213.

R.V. MELVILLE

Secretary

International Commission on Zoological Nomenclature

London

9 December 1981